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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,932	07/21/2003	Vishal Lal	JUL-007	6469

7590 09/30/2005
William L. Botjer
PO Box 478
Center Moriches, NY 11934

EXAMINER

GURSHMAN, GRIGORY

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,932

Applicant(s)

LAL ET AL.

Examiner

Grigory Gurshman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 8, 11, 15, 16, 18, 20-22, 24, 25 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8, 11, 15, 16, 18, 20-22, 24, 25 and 27-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/01/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 - 4, 7, 8, 11, 15, 16, 18, 20 - 22, 24, 25 and 27-34 contain the trademark/trade name **JAVA**. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a programming language and, accordingly, the identification/description is indefinite.

Allowable Subject Matter

2. Claims 1 - 4, 7, 8, 11, 15, 16, 18, 20 - 22, 24, 25 and 27-34 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
3. The following is a statement of reasons for the indication of allowable subject matter:

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3.1 Referring to the instant claims Konito discloses a digital rights management in a mobile communications environment (see abstract and Fig. 1). Konito teaches integration of digital rights management into a mobile computing environment, which provides a light-weight and efficient digital rights management architecture that can promote the growth of electronic commerce in the mobile computing environment (see abstract).

2.1 Referring to the independent claims 1, 15, 20, 22 and 34, Konito discloses retail content service (110 in Fig.2), which associates rights voucher 300 (Fig. 3A) with content. Konito shows in Fig.1 downloading a content package (135) to the mobile device (140). Content package includes a content object and the voucher object associated with the digital rights. Konito, however, does not teach or suggest having the *wrapper added to the digital content for facilitating implementation of the DRM policies on the mobile device*. Wrapper is the standard term used in the art for describing the executable code/script or applet, which is attached to the digital file.

Further more, Konito does not teach DRM policies being implemented without the need of a DRM agent on the mobile device. The Applicant claims the executable code (i.e. wrapper) being sent with the digital file (i.e. content). The execution of the wrapper implements DRM policies while there is no executable code such as pre-installed software - DRM agent being present on the mobile device. The support for the negative limitation is found on page 7.

Konito, also does not teach downloading a license onto the mobile device.

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2.2 Referring to the instant claims, Hori discloses data distribution server, terminal, and data distribution system (see abstract and Fig.1). Hori teaches that delivery server includes the download server and transmits information (download information) for downloading content data and the content data to the communication terminal such as a mobile telephone (see lines 0006). Hori also teaches that the data delivery server includes the download server, and content data and the license information necessary for reproducing the content data is transmitted from the download server to the communication terminal such as a mobile telephone (see lines 0013).

However, Hori does not teach or suggest having the *wrapper added to the digital content for facilitating implementation of the DRM policies on the mobile device*.

Therefore, the combination of Konito with Hori does not render the independent claims 1, 15, 20, 22 and 34 obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grigory Gurshman whose telephone number is (571)272-3803. The examiner can normally be reached on 9 AM-5:30 PM.

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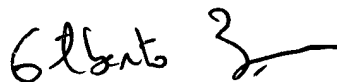
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571)272-3799. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GG

Grigory Gurshman
Examiner
Art Unit 2132



GILBERTO BARRON *SA*
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100